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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 UNITED STATES OF AMERICA,) CASE NO. CR04-432-JCC
09 Plaintiff,)
10 v.) SUMMARY REPORT OF U.S.
11 SANG JON LEE,) MAGISTRATE JUDGE AS TO
12 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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14 An evidentiary hearing on supervised release revocation in this case was scheduled before
15 me on April 30, 2009. The United States was represented by AUSA Tessa Gorman and the
16 defendant by Peter Avenia. The proceedings were digitally recorded.

17 Defendant had been sentenced on or about June 17, 2005 by the Honorable John C.
18 Coughenour on a charge of Conspiracy to Distribute Ecstasy, and sentenced to 24 months
19 custody, three years supervised release. (Dkt. 72.)

20 The conditions of supervised release included the standard conditions plus the
21 requirements that defendant cooperate in the collection of DNA, be prohibited from possessing
22 a firearm, submit to mandatory drug testing, abstain from the use of alcohol, participate in a

01 substance abuse program, submit to search, provide access to financial information upon request
02 of his probation officer, and obtain approval for all employment and submit pay stubs to his
03 probation officer.

04 On May 11, 2008, defendant's supervised release was modified to required 60 days in
05 home confinement with electronic monitoring. (Dkt. 86.)

06 In an application dated April 11, 2009 (Dkt. 88), U.S. Probation Officer Michael J. Larson
07 alleged the following violations of the conditions of supervised release:

08 1. Failing to submit a truthful and complete written report within the first five days
09 of the month for February 2009, in violation of standard condition number two.

10 2. Committing the crime of Organized Retail Theft 2nd Degree on or about March
11 30, 2009, in violation of Section 9A.56.350 of the Revised Code of Washington, and the general
12 condition requiring he not commit another federal, state, or local crime.

13 3. Committing the crime of Obstructing a Public Servant on or about March 30,
14 2009, in violation of Section 9A.76.020 of the Revised Code of Washington, and the general
15 condition requiring he not commit another federal, state, or local crime.

16 4. Associating with persons engaged in criminal activity, namely Ahn Bui and Son
17 Bui, on or about March 30, 2009, in violation of standard condition number nine.

18 5. Failing to notify the probation office within 72 hours of being arrested or
19 questioned by law enforcement on or before April 2, 2009, in violation of standard condition
20 number eleven.

21 Defendant was advised in full as to those charges and as to his constitutional rights.

22 Defendant admitted alleged violations 1, 4 and 5 and waived any evidentiary hearing as

01 to whether they occurred. An evidentiary hearing was conducted on alleged violations 2 and 3.
02 Plaintiff's Exhibit 1 was admitted into evidence without objection, consisting of the King County
03 Sheriff's Incident Report for 3/30/2009 relating to the alleged incident. The defendant stipulated
04 that he was the individual referenced in the report as "Sang Joon Lee". The report shows that
05 defendant committed violations 2 and 3 by a preponderance of the evidence.

06 I therefore recommend the Court find defendant violated his supervised release as alleged
07 in all five violations, and that the Court conduct a hearing limited to the issue of disposition. The
08 next hearing will be set before Judge Coughenour.

09 Pending a final determination by the Court, defendant has been detained.

10 DATED this 30th day of April, 2009.

11 
12 Mary Alice Theiler
13 United States Magistrate Judge

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15 cc: District Judge: Honorable John C. Coughenour
16 AUSA: Tessa Gorman
Defendant's attorney: Peter Avenia
Probation officer: Michael J. Larson